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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

CHOI, PETER H

ART UNIT	PAPER NUMBER
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3623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/043,756

Applicant(s)

FARNES ET AL.

Examiner

Peter Choi

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. The following is a **FINAL** office action upon examination of application number 10/043756. Claims 1-20 are pending in the application and have been examined on the merits discussed below.

Response to Arguments

2. Applicant's arguments filed March 5, 2007 have been fully considered but they are not persuasive.

Applicant argues that Lassenius does not teach both the gathering of data associated with an organization and customers of the organization.

The Examiner respectfully submits that Lassenius was not asserted as teaching the gathering of data associated with an organization AND customers of said organization. Lassenius was relied upon to teach the gathering of data associated with an organization. Official Notice was relied upon to obviate the use of data associated with customers of an organization.

Applicant argues that the Examiner has provided inadequate support of a finding of Official Notice, specifically that it is old and well known in the art to collect customer data. Applicant argues that the combination of gathering data associated with an

Art Unit: 3623

organization and customers of said organization is not considered to be common knowledge or well-known in the art.

The Examiner respectfully disagrees. As evidence, the Examiner submits the following references that reinforce the Examiner's contention that it is old and well known in the art to collect data associated with customers of an organization.

Colin Leek's "Information Systems Frameworks and Strategy" (reference 1-U), published in 1997 in Industrial Management + Data Systems, discloses that data is gathered from both operational (internal business) systems and external data sources, where operational systems record stock flows and sales order system activities recording individual orders (i.e., customer orders) and each order's progress.

Terry Wagstaff's "Productive Use of IT in Support of FM Solutions" (reference 1-V), published in 1996, teaches that in benchmarking patient care facilities, data is collected regarding (organizational) costs and customer perception of quality.

Stephen Pace and Albert Subbloie's "Customer Interaction Software: Three Critical Steps Lead to the Right Purchase" (reference 1-W), published in 1999, teaches that CRM applications allow you to tie sales, marketing and service information into one customer record.

Art Unit: 3623

Earl Hazan's "NY Utility Builds on Its Mapping Strengths" (reference 1-X), published in 1999, teaches that Niagara Mohawk has developed a marketing decision support system that allows it to integrate all of its customer, network and facility data in a single, centralized database.

Rick Whiting's "SAS Goes After the E-Intelligence Market" (reference 2-U), published in 1999, teaches that its Web Mining tool lets users combine Web-site information with customer and sales data from other sources.

Beth Bacheldor's "WebTrends Updates Business-Intelligence Software" (reference 2-V), published in 1999, teaches that CommerceTrends 2.0, developed by WebTrends Corp., lets companies integrate the customer data they collect from their online businesses with legacy data.

Khalil Matta, Houn-Gee Chen and Joseph Tama's "The Information Requirements of Total Quality Management" (reference 2-W), published in 1998, teaches that information be gathered from customers, from suppliers, from manufacturing, and from employees, which is then coupled to historical data on previous models and on competing products to generate design information and requirements to be transmitted to all interested parties.

Ahmad Okasha's "Winning the Market Share Race" (reference 2-X), published in 1998, teaches that pharmaceutical companies have traditionally used internal data such as sales, rebates and other accounting data to analyze sales and build customer profiles, pay rebates and track sales volume. Competitive market share data are available from external sources, who also provide customized market share data and competitor analyses. Internal and external data are integrated into a single data repository, called a data warehouse.

Gary Angel and Joel Hadary's "Using Card Transaction Data" (reference 3-U), published in 1998, teaches that marketing databases combined geodemographic information with whatever information a business can collect about its customers. Card data consists of the customer, the store, the customer's address, the store's address, and the date, amount and category of the transaction.

Peter Peacock's "Data Mining in Marketing: Part 1" (reference 3-V), written in 1998, teaches that companies (such as Marriott's Vacation Club International) have been taking information from its own database and augmenting it with "enhancement" information provided by a data compiler. Data is obtained from internal and external sources, and that data mining process involves sifting through massive quantities of data: electronic point-of-sale transactions, inventory records, and online customer orders matched with demographics.

Official Notice

In the previous Office Action mailed June 5, 2006, notice was taken by the Examiner that certain subject matter is old and well known in the art. Per MPEP 2144.03(c), these statements are taken as admitted prior art because no traversal of this statement was made in the subsequent response. Specifically, it has been taken as prior art that:

- Collecting data from partner organizations is old and well known in the art

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 7-9, 11, 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casper Lassenius, Maarit Nissinen, Kristian Rautiainen and Reijo's "The Interactive Goal Panel: A Methodology for Aligning R&D Activities With Corporate Strategy", published in October 1998 (hereinafter referred to as Lassenius et al.).

As per claim 1, Lassenius et al. teaches a computer-implemented method for utilizing a total customer experience action planning process to provide an improved customer experience, said method comprising:

(a) gathering data associated with an organization of said organization **(The objects, goals, and performance measures already in use in the organization are identified and analyzed)** [Paragraph 41];

(b) during a strategy session associated with said organization **(strategic control aspects are presented to the rest of the organization and analyzed in workshops)**, determining a goal for said organization along with an associated success metric for accomplishing said goal, wherein said goal is based on said data **(for each object, the goals and mechanisms to achieve those goals are formulated; the objects, mechanisms and goals for the dimensions of the Balanced Score Card are defined by interviewing representatives at different levels in the company)** [Paragraphs 42, 43, 44];

(c) determining a department goal along with an associated success metric for accomplishing said department goal **(for each object, the goals and mechanisms to achieve those goals are formulated; the objects, mechanisms and goals for the dimensions of the Balanced Score Card are defined by interviewing representatives at different levels in the company)**, wherein said department goal is closely associated with a business objective of said organization **(the goals are often related to process improvement or the installation of new processes)** [Paragraph 33, 42, 43]; and

(d) taking measurable action to accomplish said department goal (**a control plan is formulated, documenting all aspects and levels of the framework. It also includes practical issues normally found in measurement plans, such as the definition of data to collect, the identification of persons responsible for the metrics, and information on visualization and distribution of the metrics data**) [Paragraph 47].

Lassenius et al. does not explicitly collect customer data. However, Official Notice is taken that it is old and well known in the art to collect customer data. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. to collect customer data, because doing so would provide information from the customer perspective, which would be taken into consideration by Lassenius while aligning R&D activities with corporate strategy to meet the needs of customers.

Claims 7 and 14 recite limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies

Furthermore, the IGP (Interactive Goal Panel) concept discussed by Lassenius et al. is also supported with modern information technology that would greatly enhance its usability. Uses for IT include aiding with the definition of the controllability parameters, helping with data collection, and analyzing as well as visualizing the data. Lassenius et

Art Unit: 3623

al. have developed a visualization tool based on Java-technology that supports on-line visualization of the IGP and metrics over an intra-or internet. The computer on which the IGP visualization tools operate inherently includes a processor, a memory device, and an addressable data bus coupled to said processor. Thus, Lassenius et al. teaches a computer readable medium having computer readable code embodied thereon (as per claim 7) and a computer system with a processor, data bus and memory device (as per claim 14)

As per claim 2, Lassenius et al. teaches the method as described in claim 1 further comprising:

(e) during a commitment session associated with said organization, providing an overview of said total customer experience action planning process to a manager of said organization and to staff associated with said manager. **(strategic control aspects are presented to the rest of the organization and analyzed in workshops. The objective of the workshops is to harmonize and gain consensus on the goals to strive for and the control mechanisms to use)** [Paragraph 44].

Claims 8 and 15 recite limitations already addressed by the rejection of claim 2 above; therefore, the same rejection applies

As per claim 3, Lassenius et al. does not explicitly teach the method as described in claim 1 wherein said data further comprises data provided by a partner organization that works together with said organization.

It has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that the step of collecting data from partner organizations is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. to include the step of gathering data from partner organizations because the resulting combination would broaden the amount of available data for analysis, and also to assess the compatibility of partner organizations with newly determined goals.

Claims 9 and 16 recite limitations already addressed by the rejection of claim 3 above; therefore, the same rejection applies

As per claim 5, Lassenius et al. teaches the method as described in claim 1 further comprising:

(e) repeating said (a) through (d) at some future time **(iteration of the implementation process is often needed; the Interactive Goal Panel should be periodically updated)** [Paragraphs 48,50].

Claims 11 and 18 recite limitations already addressed by the rejection of claim 5 above; therefore, the same rejection applies.

5. Claims 4, 6, 10, 12, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lassenius et al. as applied to claim 1 above, and further in view of Gary Meyer's discussion of eWorkbench in "eWorkbench: Real-time tracking of synchronized goals", published in the April 2001 issue of HRMagazine (hereinafter referred to as Meyer, reference 1-X).

As per claim 4, although not explicitly taught by Lassenius et al., Meyer teaches the method as described in claim 1 wherein said data further comprises data provided by managers associated with said organization **(Managers can execute periodic ratings of progress on a competency; Managers can run a "Goals Snapshot" report for summary information on their work units or selected individuals; eWorkbench's "Performance Trends" option generates a report showing where an employee stands with every goal and competency item)** [Paragraphs 7,9, 10].

The IGP (Interactive Goal Panel) concept discussed by Lassenius et al. is also supported with modern information technology that would greatly enhance its usability. Uses for IT include aiding with the definition of the controllability parameters, helping with data collection, and analyzing as well as visualizing the data. Lassenius et al. have developed a visualization tool based on Java-technology that supports on-line

visualization of the IGP and metrics over an intra-or internet. The computer on which the IGP visualization tools operate inherently includes a processor, a memory device, and an addressable data bus coupled to said processor. The eWorkbench software discussed by Meyer is a computer readable medium having computer readable code embodied therein. The computer on which the eWorkbench software operates inherently includes a processor, a memory device, and an addressable data bus coupled to said processor. Thus, both Lassenius et al. and Meyer teach a computer readable medium having computer readable code embodied thereon (as per claim 7) and a computer system with a processor, data bus and memory device (as per claim 14). Both Lassenius et al., and Meyer are directed towards monitoring success for accomplishing department goals; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. to include the step of including data provided by managers of an organization, because the resulting combination would broaden the amount of available data for analysis, and also to assess the progress/competency of organizational/department employees with newly determined goals.

Claims 10 and 17 recite limitations already addressed by the rejection of claim 4 above; therefore, the same rejection applies

As per claim 6, although not explicitly taught by Lassenius et al., Meyer teaches the method as described in claim 1 wherein said (c) further comprises:

(c1) verifying said department goal and said associated success metric for accomplishing said department goal within an up-line manager of said organization **(eWorkbench lets managers and line employees create and track goals, and align them with their employer's broad objectives. The program allows individuals' goals to be linked with those of their bosses, all the way to the top; Managers also can create and automatically cascade goals down to their direct reports)** [Paragraphs 2, 4].

Both Lassenius et al., and Meyer are directed towards monitoring success for accomplishing department goals; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. to include the step of verifying department goals and associated success metrics with up-line management, because the resulting combination would enable to ensure that management and line employees along the hierarchical chain of command within the organization are in alignment with respect to objectives, goals, and means of measuring the successfulness of said goals and objectives.

Claims 12 and 19 recite limitations already addressed by the rejection of claim 6 above; therefore, the same rejection applies

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PC

May 21, 2007

Beth Van Doren
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Primary Examiner